

House Bill 949

By: Representatives Stephens of the 164<sup>th</sup>, Parrish of the 156<sup>th</sup>, and Parham of the 141<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated,  
2 relating to pharmacies, so as to provide that if a new pharmacy benefits manager for the state  
3 employees' health insurance plan or Georgia's Medicaid program provides lower  
4 reimbursement rates to pharmacies than provided by the previous pharmacy benefits  
5 manager, the difference shall be paid into the state's general fund; to provide for an  
6 opportunity for pharmacies to opt out; to provide for related matters; to repeal conflicting  
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to  
11 pharmacies, is amended by adding a new Code section to read as follows:

12 "26-4-110.2.

13 (a) As used in this Code section, the term 'pharmacy benefits manager' means any person,  
14 corporation, or other entity that administers the prescription drug, prescription device, or  
15 both prescription drug and device portion offered pursuant to the state employees' health  
16 insurance plan under Chapter 18 of Title 45 or offered on behalf of recipients of medical  
17 assistance under Georgia's Medicaid program as provided for in Article 7 of Chapter 4 of  
18 Title 49.

19 (b) If the Department of Community Health changes to a different pharmacy benefits  
20 manager and the reimbursement rates to pharmacies by that pharmacy benefits manager are  
21 lower than those utilized by the previous pharmacy benefits manager, the difference in the  
22 rate shall be paid by the new pharmacy benefits manager to the state's general fund. In  
23 addition, the department shall provide notice to pharmacies of the reduced reimbursement  
24 rates and provide them an opportunity to opt out of the state employees' health insurance  
25 plan or Georgia's Medicaid program, as appropriate."

1

**SECTION 2.**

2

All laws and parts of laws in conflict with this Act are repealed.